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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,296	08/02/2001	Kelvin T. Leung	HRL069	5643
<div>7590 07/26/2007</div> <div>Cary Tope-McKay 23852 Pacific Coast Highway #311 Malibu, CA 90265</div>				
			EXAMINER PEACHES, RANDY	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/921,296

Applicant(s)

LEUNG ET AL.

Examiner

Randy Peaches

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/17/2007 have been fully considered but they are not persuasive.

Regarding the Applicant's arguments:

- 1.) **The Owensby patent does not teach, disclose or suggest, *"wherein a client subsequently requests a service from a directory service polling sub-element, which sends a look up query to the directory service."***

The Examiner respectfully maintains that the cited prior art renders sufficient support as to the Applicant's claimed language. Although the Applicant states numerous time that the Examiner has misinterpreted the cited prior art and has numerously mistakenly analogized the prior art against the claimed language, the Examiner Respectfully disagree.

With respect to the first argument, the Examiner would like to bring to the Applicant's attention Figure 2 of Owensby. Owensby clearly teaches wherein the said Call Management System includes ALL of the elements that make-up the first database. The said first database Owensby is referencing is contained in the Call Management System, which consists of multiple elements. As illustrated in FIGURE 2, the Data Input/Output storage and Retrieval System retrieves information from the said CMS.

2.) The Owensby patent does not teach, disclose or suggest, ***"the isolated candidate services serve as the basis for registering the client's interest with a client update decision sub-element."***

The Applicant relies on the premise that the Examiner has analogized both the said ACS and the said CDM to the client update decision sub-element. The Examiner respectfully disagrees. According to the Office action, the said ACS is analogized to the claimed target services filtering sub-element and the said CDM is analogized to the claimed directory service update decision sub-element, wherein as detailed in FIGURE 3, the CDM is a sub-element of the said CMS, which reads on claimed "directory service element."

3.) The Owensby patent does not teach, disclose or suggest ***"the client update decision sub-element provides an updated service entry of candidate services to the target service filtering sub-element."***

The Examiner respectfully submit that he is confused as to the concluded reasoning made by the Applicant in the current remarks with regards to the analogies of the prior art verses the claimed language. Accordingly, the Examiner will explain his reasoning so that both parties may be on the same page.

The said CDM is analogized to the claimed directory service update decision sub-element, wherein as detailed in FIGURE 3, the CDM is a sub-element of the said CMS, which reads on claimed "directory service element." The said ATD has NOT been analogized to any of the claimed language, but merely is stated to render support

to identify that the said ATD is used to hold information that serves as criteria for choosing messages from the said ACD. No-where does the Examiner state that the said ACS is analogized to the client update decision sub-element or has analogized the ATD to the target services filtering sub-element.

4.) The Owensby patent does not teach, disclose or suggest *"the directory service update decision sub-element provides an updated service entry to the directory service."*

With respect to the argument, the Examiner would like to bring to the Applicant's attention Figure 2 of Owensby. Owensby clearly teaches wherein the said Call Management System includes ALL of the elements that make-up the first database. The said first database Owensby is referencing is contained in the Call Management System, which consists of multiple elements. As part of the said CMS, the said CDM is analogized to the claimed directory service update decision sub-element, wherein as detailed in FIGURE 3, the CDM is a sub-element of the said CMS, which reads on claimed "directory service element."

According to the above response to the Applicant's arguments, the Examiner respectfully maintains that the cited prior art clearly reads on the Applicant's claimed language and therefore the claims stand fully rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1, 3, 6-11, 13, 16-22*** are rejected under 35 U.S.C. 102(e) as being anticipated by Owensby (U.S. Patent Number 6,647,257 B2).

Regarding ***claim 1***, Owensby discloses column 15 lines 32-54 and column 17 lines 25-54, a system for providing messages, which reads on claimed "context sensitive dynamic data", via wireless networks comprising:

- a wireless mobile terminal (WMT, 12), which reads on claimed "information source element", configured to provide data, i.e. wireless mobile location data, via a call signal to a Mobile Switch Center (18), which reads on claimed "data service element", which uses (column 14 lines 10-16) the provided said data to provide access (column 14 lines 16-38), which reads on claimed "register,"
(please note that the Examiner has interpreted the claimed language "register" as a means of gaining access; therefore, in order for the said WMT (12) is able to gain "access", the said terminal must be "registered")

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with a Call Management System (20)(see column 14 lines 16-20), which reads on claimed "directory service element"; and

- wherein a subscriber, which reads on claimed "client", subsequently requests (see column 22 lines 48-55) a service from a Data Input/Output Storage and Retrieval System (40), which reads on claimed "directory service polling sub-element", which manipulates (see column 15 lines 2-31) a said Call Management System (CMS, 20) containing sub-modules (Ad Content Data (ACD, 24)), which reads on claimed "sends a look-up query to the directory service," which in turn provides services matching those requested by the said subscriber, to a Historical Response Data (28), which reads on claimed "candidate service filtering sub-element," ***(wherein as taught by Owensby, the targeted messages, i.e. candidate messages, are compared with the said Historical Response Data (28) in order to choose the correct message targeted to the subscriber (see column 16 lines 32-47). The candidate services are the said subscriber's preferences based on the said Historical Response Data (28) and the said wireless mobile location data.)***, where services are isolated and submitted to an Ad Chooser Server (ACS, 22), which reads on claimed "target service filtering sub-element," where said targeted messages, which reads on claimed "target services," are chosen, which reads on claimed "isolated," from the said ACD (24)(see column 16 lines 42-51) and provided to the said subscriber and the subscriber's selected messages are based on criteria which serve as a basis for selecting the said targeted messages by the said ACS

(22)(see column 16 lines 21-51) and a Candidate Discriminator Module (21), which reads on claimed "directory service update decision sub-element," provides an updated service entry of subscriber's services to a Ad Target Data Module (ATD, 25) (see column 18 lines 43-57), wherein the targeted messages are transmitted only to targeted subscribers via the said CMS (20). See column 18 lines 33-67 and column 19 lines 1-18.

Regarding **claim 3**, as applied to **claim 1**, Owensby discloses wherein the said Call Management System (20) includes at least one element from the list consisting of:

- Ad Chooser Server Data (ACS, 29), which is pre-determined functions of choosing the messages being targeted to the said wireless terminal (12). See column 14 lines 59-62.

Regarding **claims 6 and 16**, as applied to **claims 1 and 10**, Owensby discloses said Historical Response Data (28) provides an updated service entry of candidate services to the target service filtering sub-element even in the absence of an existing client, and wherein the said Call Management System (20) and the Mobile Switch Center (18) are located in a location remote from the Subscriber Profile Data (26). See FIGURES 2 and 3.

Regarding **claim 7**, as applied to **claim 1**, Owensby discloses in column 11 lines 49-65 wherein the said wireless mobile terminal (WMT, 12), which reads on claimed

"information source", is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 2.

Regarding **claim 8**, as applied to **claim 7**, Owensby discloses wherein the said wireless mobile terminal (WMT, 12) is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 3. At least two of the elements are physically interconnected and at least two of the parts are interconnected using wireless based technology. See FIGURE 1 and column 13 lines 20-37.

Regarding **claim 9**, as applied to **claim 8**, Owensby discloses wherein the operative interconnect between the said advertiser (Sponsor) and the said wireless terminal (12), is characterized by at least one wireless link. See FIGURE 1 and column 13 lines 30-34.

Regarding **claim 10**, Owensby discloses method for providing messages, which reads on claimed "context sensitive dynamic data", via wireless networks comprising:

- providing, wireless mobile terminal (WMT, 12), which reads on claimed "information source element";
- providing a Mobile Switch Center (18)(see column 14 lines 31-38), which reads on claimed "data service element", including at least one of the following:

a Historical Response Data (28) provides an updated service entry of candidate services to the target service filtering sub-element and the directory service update decision sub-element provides an updated service entry to the said Call Management System (20). See column 16 lines 3-51 and column 19 lines 39-54.

- a Call Management System (20), which reads on claimed "directory service element". See column 16 lines 3-51;
- providing a personal lookup agent, including at least one of the following sub-elements:
 - a Data Input/Output Storage and Retrieval System (40), which reads on claimed "directory service polling sub-element", which manipulates (see column 15 lines 2-31)
- a wireless mobile terminal (WMT, 12), which reads on claimed "information source element", configured to provide data, i.e. wireless mobile location data, via a call signal to a Mobile Switch Center (18), which reads on claimed "data service element", which uses (column 14 lines 10-16) the provided said data to provide access (column 14 lines 16-38), which reads on claimed "register,"
(please note that the Examiner has interpreted the claimed language "register" as a means of gaining access; therefore, in order for the said WMT (12) is able to gain "access", the said terminal must be "registered")
with a Call Management System (20)(see column 14 lines 16-20), which reads on claimed "directory service element"; and

- wherein a subscriber, which reads on claimed "client", subsequently requests (see column 22 lines 48-55) a service from a Data Input/Output Storage and Retrieval System (40), which reads on claimed "directory service polling sub-element", which manipulates (see column 15 lines 2-31) a said Call Management System (CMS, 20) containing sub-modules (Ad Content Data (ACD, 24)), which reads on claimed "sends a look-up query to the directory service," which in turn provides services matching those requested by the said subscriber, to a Historical Response Data (28), which reads on claimed "candidate service filtering sub-element," ***(wherein as taught by Owensby, the targeted messages, i.e. candidate messages, are compared with the said Historical Response Data (28) in order to choose the correct message targeted to the subscriber (see column 16 lines 32-47). The candidate services are the said subscriber's preferences based on the said Historical Response Data (28) and the said wireless mobile location data.)***, where services are isolated and submitted to an Ad Content Server (ACS, 22), which reads on claimed "target service filtering sub-element," where said targeted messages, which reads on claimed "target services," are chosen, which reads on claimed "isolated," from the said ACD (24)(see column 16 lines 42-51) and provided to the said subscriber and the subscriber's selected messages are based on criteria which serve as a basis for selecting the said targeted messages by the said ACS (22)(see column 16 lines 21-51) and a Candidate Discriminator Module (21), which reads on claimed "directory service update decision sub-element,"

provides an updated service entry of subscriber's services to a Ad Target Data Module (ATD, 25) (see column 18 lines 43-57), wherein the targeted messages are transmitted only to targeted subscribers via the said CMS (20). See column 18 lines 33-67 and column 19 lines 1-18.

Regarding **claim 11**, the method for providing context sensitive dynamic data via wireless networks as set forth in **claim 10** wherein after the initial service lookup utilizing the said Call Management System directory service element, the said wireless terminal (12) contact with the Ad Chooser Server, via the pre-determined criteria first database where the messages are provided to the said wireless terminal (12) where from the said ad Target Data (25). See column 8 lines 42-63.

Regarding **claim 13**, according to **claim 10**, Owensby discloses a method wherein the said Mobile Switch Center (18) includes utilizing at least one of the following:

- a Call Management System (20), which reads on claimed "computer configured to perform pre-specified functions". See column 18 lines 36-45.

Regarding **claim 17**, according to **claim 10**, Owensby discloses in column 17 lines 25-53 and column 15 lines 43-57, wherein a wireless mobile terminal (WMT, 12), which reads on claimed "information source element", is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 3.

Regarding **claim 18**, according **claim 17**, Owensby discloses wherein the said a wireless mobile terminal (WMT, 12), which reads on claimed "information source element", is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 3. At least two of the elements are physically interconnected and at least two of the parts are interconnected using wireless based technology. See FIGURE 1 and column 13 lines 20-37.

Regarding **claim 19**, according **claim 18**, Owensby discloses wherein the operative interconnect between the said advertiser (Sponsor) and the said wireless terminal (12), is characterized by at least one wireless link. See FIGURE 1 and column 13 lines 30-34.

Regarding **claim 20**, Owensby discloses a system configured to provide messages, which reads on claimed "data", to a wireless terminal (12), which reads on claimed "mobile client", wherein the provided said message is relevant to the location of the said wireless terminal (12), and wherein the said message is dynamically updated and the said wireless terminal (12) receives contextually relevant said messages despite changing position. See column 17 lines 54-67 and column 18 lines 1-10.

Regarding **claim 21**, according to **claim 20**, Owensby discloses in column 18 lines 1-

10, wherein the said wireless terminal (12)/subscriber provides preferences, which reads on claimed "criteria", for what constitutes relevant said messages, and only the said messages meeting the said preferences are provided to the said wireless terminal.

Regarding **claim 22**, according to **claim 20**, Owensby discloses in column 18 lines 1-10, wherein the said wireless terminal (12)/subscriber provides preferences, which reads on claimed "criteria", for what constitutes relevant said messages, and only the said messages meeting the said preferences are provided to the said wireless terminal. Owensby further discloses in column 18 lines 11-32 where the system also allows advertisement from the respected operator of the said network to be sent to the said wireless terminal (12), regardless to the said subscriber's preference, which reads on claimed "a triggering event, which automatically provides an update to a user".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 2, 12 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above, and further in view of Sone et al. (U.S. Patent Number 6,424,888 B1).

Regarding **claims 2 and 12**, according to **claims 1 and 10**, Owensby discloses method for providing messages, which reads on claimed "context sensitive dynamic data", to a said wireless terminal (12), which reads on claimed "information source element".

However, the reference fails to expressly teach where the said Advertiser (Sponsor) comprises at least one of the following:

- i. a permanently mounted video camera,
- ii. a video camera affixed to a vehicle,
- iii. a strategically placed environmental sensor,
- iv. an environmental sensor affixed to a vehicle,
- V. a satellite based position sensor affixed to a vehicle.

Sone et al discloses in column 4 lines 48-58, of a vehicle-mounted inside and outside monitor camera, which reads on claimed "a video camera affixed to a vehicle". Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above in view of Sone et al. (U.S. Patent Number 6,424,888 B1) so that the said Advertiser (Sponsor) is equipped with the capability of capturing a targeted audience in order to provide the best advertisement message more efficiently based on the captured images from the said vehicle-mounted inside and outside monitor camera.

Regarding **claim 14**, as the above combination of Owensby (U.S. Patent Number

6,647,257 B2) and Sone et al. (U.S. Patent Number 6,424,888 B1) are made, the combination according to **claim 10**, Sone et al discloses in column 4 lines 48-58, of a vehicle-mounted inside and outside monitor camera, which reads on claimed "a video camera affixed to a vehicle".

3. **Claims 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above, in view of Shojima et al. (U.S. Patent Number 6,259,990 B1).

Regarding **claims 5 and 15**, according to **claims 1 and 10**, Owensby discloses method for providing messages, which reads on claimed "context sensitive dynamic data", to a said wireless terminal (12), which reads on claimed "client", where the said wireless terminal (12) is able to receive the said message to be relayed the information the user.

However, Owensby fails to expressly suggest wherein the said wireless terminal (12) has the mobility and is a pedestrian. Additionally, Owensby et al. fails to expressly disclose where the said Advertiser (Sponsor) utilizes a plurality of sources including a vehicle and a stationary sensor.

Shojima et al teaches in column 4 lines 1-35 of a pedestrian where information, such as route information, is sent to the said pedestrian via a route guidance apparatus (2). The system utilizes information providing apparatus (1) coupled with a stationary route computation and installation marker (3), which reads on claimed "stationary sensor",

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that can easily be installed in an elevator, which reads on claimed "vehicle". See column 4 lines 65-67.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the teachings of Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above, in view of Shojima et al. (U.S. Patent Number 6,259,990 B1) in order to provide a means to detect a pedestrian's movement and provide pertinent information to the said pedestrian when needed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches
RP

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Gelin".